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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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DEMOCRATIC STAFF DIRECTOR

8 July 2016

The Honorable Pete Sessions
Chairman
Committee on Rules
H312 Capitol
Washington, D.C. 20515

Dear Mr. Chairman,

I respectfully request that the Committee on Rules not protect from points of order under clause 2 of House of Representatives Rule XXI the text of Section 128, found on page 71, lines 19-25, of H.R. 5538, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017.

This provision overturns a 2009 Supreme Court decision (*Carcieri v. Salazar*) regarding the validity of actions taken by the Secretary of the Interior to acquire certain lands in trust for Indian tribes, including for off-reservation gambling, by administrative procedures promulgated by the Secretary under Section 5 of the Indian Reorganization Act of 1934. The effect of Section 128 would be to waive the Court's decision with respect to unidentified lands potentially affecting many congressional districts in a number of states. The Committee on Natural Resources, which has plenary jurisdiction over all Native American issues, is currently developing legislation that would fairly address the legal issues raised by the *Carcieri* decision through the committee process under regular order. While this very complex legal situation is being sorted out, the Natural Resources Committee has moved separate bills to address pressing Indian trust land cases, and will continue to do so.

We have consulted with the Committee on the Budget, and Chairman Price agrees with me that there would be no budgetary effect by striking this provision on the House Floor.

We have been working in good faith with Interior Subcommittee Chairman Calvert on this issue and were dismayed to see the adoption of the amendment adding Section 128 after what we thought was a productive meeting. We have informed Chairman Rogers of the Appropriations Committee of our concerns and Chairman Calvert, but have come to no resolution.

Thank you for your consideration of my request under the Arney Protocol. I appreciate that this is a drastic measure and regret very much that I need to resort to this process, but the Committee on Natural Resources' prerogatives need to be protected in this case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Bishop", with a long horizontal flourish extending to the right.

Rob Bishop
Chairman

cc: The Honorable Hal Rogers, Chairman, Committee on Appropriations
The Honorable Ken Calvert, Chairman, Subcommittee on Interior, Environment, and
Related Agencies